

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CESAR ANCHANTE-MARTINETTI,

No. C 07-5929 SI

Plaintiff,

**ORDER GRANTING DEFENDANTS'
MOTION TO DISMISS COMPLAINT
WITH LEAVE TO AMEND**

v.

WORLD SAVINGS, *et al.*,

Defendants.

Defendants' motion to dismiss the complaint is scheduled for a hearing on February 1, 2008. Pursuant to Civil Local Rule 7-1(b), the Court determines that the matter is appropriate for resolution without oral argument, and VACATES the hearing. As set forth below, the Court GRANTS defendants' motion (Docket No. 4), and GRANTS plaintiff leave to amend the complaint.


On November 26, 2007, plaintiff filed a "Petition for Libel of Review of an Administrative Judgment." Plaintiff's petition states, among other things, that he seeks review of a foreign judgment and that this case involves "a constitutional matter involving a man on the land complaining about theft and kidnap." Plaintiff has attached numerous documents to his petition, including a "conditional acceptance," a "letter rogatory," and several affidavits. Plaintiff states that "all parties are U.S. Vessels" and that the Public Vessels Act applies to this case. The petition also states that the complaint is brought under admiralty law. Plaintiff has also attached to his petition an "Accounting and True Bill" which seeks over 33 million dollars in damages.

Defendants move to dismiss plaintiff's complaint for failure to state a claim. Plaintiff has filed a "memorandum" in opposition which does not address defendants' arguments. After review of plaintiff's voluminous and largely unintelligible filings, the Court agrees that plaintiff has failed to state

1 a claim for which relief can be granted. The Court cannot determine the factual or legal bases for
2 plaintiff's claims. Accordingly, plaintiff's complaint is DISMISSED WITH LEAVE TO AMEND).
3 *See Lopez v. Smith*, 203 F.3d 1122, 1128 (9th Cir. 2000). If plaintiff wishes to file an amended
4 complaint, the complaint shall (1) state the basis for federal jurisdiction; (2) specifically identify the
5 claims that plaintiff is asserting (for example, if plaintiff is suing under a federal or state statute, the
6 complaint shall identify that statute); (3) state, as clearly as possible, the facts giving rise to the
7 complaint, including the dates upon which the events occurred; and (4) state the relief that plaintiff
8 seeks. **Any amended complaint must be filed by February 8, 2008. Failure to file an appropriate**
9 **amended complaint by that date will result in dismissal without leave to amend.**

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11 **IT IS SO ORDERED.**

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13 Dated: January 23, 2008

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16 SUSAN ILLSTON
17 United States District Judge
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